

APPENDIX H  
ENVIRONMENTAL PROTECTION AGENCY MUNITIONS RULE, HAZARDOUS WASTE  
MUNITIONS

H-1. Purpose: To implement the Environmental Protection Agency (EPA) Munitions Rule (MR) as a result of the Resource Conservation and Recovery Act (RCRA) governing the handling of munitions when those items may become WMM or HWMM within the meaning of the EPA MR.

H-2. General: Statutory authority for the development and implementation of explosives safety regulations has, for many years, been delegated by Congress to the Department of Defense (DOD). This authority has been exercised and applied with admirable success at Fort Bragg, and has always met with approval of Fort Bragg's host, the State of North Carolina. Following are events and enactment of legislation that prompted, and drive, implementation of the provisions in this appendix and the basic regulation.

a. The Resources Conservation and Recovery Act (RCRA) of 1976 established specific regulations for determining when an item becomes waste and how hazardous waste items are to be managed.

b. The Federal Facility Compliance Act (FFCA), in support of the RCRA, became law in 1992. This law required the U.S. Environmental Protection Agency (EPA), in conjunction with DOD and the various States, to provide regulatory guidance that:

(1) Identify when conventional and chemical munitions become hazardous waste and thereby subject to the RCRA, (Subtitle C). (See Para H-5, this Appendix.)

(2) Provide for safe storage and transportation of such waste items.

c. These regulations, called the Environmental Protection Agency (EPA) Military Munitions Rule (MR), (CFR 62 FR 6621, 12 Feb 97), became effective for Federal agencies on 12 Aug 97. They define when military munitions become WMM or HWMM and how these will be managed.

d. Department of the Army (DA) policy to implement the EPA-MR became effective 1 Jul 98. Guidance outlined in this appendix and the basic regulation is intended to comply with the DA policy.

e. EPA, DOD, and DA documents affecting this Appendix are summarized at end of Glossary (See page G-7), and no attempt is made here to incorporate them into this SOP. All of the documents are available for review at RBC HQs or at QASAS office at the ASP.

### H-3. Policy.

a. Per direction from FORSCOM, the Readiness Business Center (RBC) at Fort Bragg is responsible for MR implementation.

b. A Military Munitions Rule Implementation Council (MRIC) is established at Fort Bragg and will consist of representatives from the following organizations and activities indicated. The Director of Readiness, RBC, will exercise overview of MRIC operations and inform Garrison Commander as may be required.

(1) Chairman: Senior Quality Assurance Specialist (Ammunition Surveillance) Logistics Division, RBC.

(2) Vice Chairman: Ammunition Supply Point Supervisor, RBC.

(3) Members representing:

(a) Range Branch, Training Division, RBC

(b) ACoFS, G3, Director of Exercises

(c) Safety Division, Public Safety Business Center (PSBC)

(d) Environmental Division, Public Works Business Center (PWBC).

(e) Transportation Branch, Logistics Division, RBC

(f) Staff Judge Advocate, Environmental Law Representative

(g) 18<sup>th</sup> Explosives Ordnance Detachment (EOD)

(h) Installation Major Support Commands (MSC) and tenant organizations upon request.

c. The MRIC will monitor implementation of the EPA-MR at Fort Bragg, to include any subsequent changes that may be

necessary as a result of direction from higher echelon, and make recommendations to the Director, RBC, accordingly.

d. Primary determination for handling of WMM and HWWMM on a routine basis will be accomplished through interaction between the Quality Assurance Specialist, Ammunition Surveillance, (QASAS), Explosive Ordnance Disposal (EOD), Unit and the Ammunition Supply Point, (ASP). Should incidents arise involving possible existence of HWMM that cannot be handled IAW the EPA-MR, within installation resources, the Director of Readiness, RBC, will be notified and the MRIC will be convened to consider the matter and make recommendations to the Director of Readiness. (See Flow Process Chart, Figure 1).

H-4. Applicability. These provisions apply to all units, organizations and activities assigned or attached to XVIII Airborne Corps and Fort Bragg, tenant units, Reserve Component units and other Government sponsored services and agencies using the installation ammunition facility or ranges.

H-5. Criteria for Determining WMM or HWWMM: Following is a condensation of criteria in DOD Policy To Implement the EPA's Military Munitions Rule document, 1 Jul 98, paragraphs 2 through 5.

a. Unused Munitions:

(1) ARE NOT a waste when subjected to procedures that result in their recovery, such as: Reuse; Reconfiguration; Repair; Recycling; and Disassembly or re-assembly.

(2) ARE A WMM AND MAY BECOME A HWWMM when:

(a) Abandoned by being buried or placed in a landfill; disposed of, burned or incinerated, or otherwise treated prior to proper disposal;

(b) Removed from storage in a DOD magazine (which results as soon as it passes through the igloo door) for treatment or disposal;

(c) Deteriorated or damaged beyond repair, recycling or reuse. (Such items which are determined to be unsafe for transporting off the installation will be handled by EOD and Surveillance personnel IAW Chapter 5);

(d) Declared a waste by a Designated Disposition Authority (DDA) or Authorized Military Official (AMO). NOTE:

The term "AMO" should not be taken to mean just any U.S. Government employee or member of the uniformed services. DDA and AMO are DOD appointed representatives with written authority to designate an entire class or type of munitions as a waste at one time. Until a specific DDA or AMO is appointed to service Fort Bragg, the Industrial Operations Command (IOC) will be contacted for guidance.

b. Used Munitions ARE NOT a WMM or HWMM when:

- (1) Used for their intended purpose;
- (2) Used during training exercises;
- (3) Used for research, development, testing and evaluation;
- (4) Destroyed on range as a part of range clearing on active and inactive ranges but not closed ranges for which the Range Rule would apply.

c. Used Munitions DO BECOME a WMM and may become a HWMM when:

- (1) Transported off range for storage, reclassification, treatment or disposal;
- (2) Recovered, collected and disposed of by burial, being placed in a landfill, or land treatment on or off a range;
- (3) Fired off range and not promptly rendered safe and/or retrieved.

H-6. WMM and HWMM Receipt, Storage, Handling and Transportation.

a. Conditional Exemption (CE) Permits. The State of North Carolina allows Conditional Exempt status, upon approval. Therefore, the Installation will apply to State of North Carolina Department of Environment and Conservation (NCDEC) for a CE permit for Magazines #67 (Bldg X-3236), #04 (Bldg X-3770), and #02 (Bldg X-5473). These magazines must meet the requirements of DOD 6055.9-STD, Department of Defense Explosive Safety Standards, without waiver. Failure to meet or comply with these requirements will invalidate a CE permit. Storage must comply with requirements of DOD 6055.9-STD, Chap 14.

b. Resource Conservation and Recovery Act (RCRA). The loss of CE will subject the Installation's WMM and HWMM management program to RCRA hazardous waste regulation and could result in enforcement action (i.e., fine or penalty from the date of the violation). Commanders at all levels will do all possible to ensure that all personnel under their command, assigned duties involving receipt, storage, handling and transporting of munitions, are sufficiently trained and motivated to preclude loss of Fort Bragg CE status and violation of the RCRA. All personnel newly assigned to duties involving storage, handling and transporting of munitions must receive sufficient initial orientation in their duties to preclude, insofar as possible, act or oversight that might result in loss of the installation's CE status.

c. Receipt. Upon determining that munitions may be HWMM items IAW Paragraph H-5, accountability procedures in Chapter 3 will be followed for the item(s) and all documents concerning the, items at that time, will be conspicuously annotated "SUSPECT HAZARDOUS WASTE MUNITIONS." This label will remain on all such documentation throughout the remainder of the audit trail until such time as a final determination is made by proper authority as to the true status of the item(s) and final dispositions is made..

d. Storage. All items considered as suspect HWMM will be stored in the same manner as other munitions but will ONLY be stored in authorized hazardous waste storage sites (see Paragraph H-5a). Open storage of suspect hazardous waste munitions is not permitted at Fort Bragg except for the absolute minimum of time required to determine status of the item(s) and complete transportation of the item(s) to an authorized storage site.

e. Handling. ALL items thought to be suspect HWMM , IAW Paragraph I-5), will only be moved after EOD and Surveillance personnel have cleared the items for movement to either an Open Burn or Open Detonation site or to an authorized storage site.

f. Transportation. ALL suspect HWMM will be transported IAW Chapter 4 but WILL NOT be transported in the same vehicle as other munitions. Driver of the vehicle must be in possession of proper documentation showing the items being transported are suspect hazardous waste munitions. All security procedures for transporting non-suspect munitions apply for the transportation of suspect HWMM.

H-7. Responsibilities:

a. Readiness Business Center (RBC)

- (1) Ensure implementation of the EPA-MR at Fort Bragg.
- (2) Provide the Chairman, Vice Chairman and Range Branch representatives as permanent members of the MRIC.
- (3) Exercise overview of the MRIC.

b. ACofS, G3, Director of Exercises:

- (1) Provide a permanent member to the MRIC to represent all XVIII Airborne Corps and Fort Bragg units regarding compliance with the EPA-MR.
- (2) Provide liaison between units using Ft Bragg ranges and RBC Tng Div Range Branch during end of range firing clearance and during Opn Clean Sweep, to ensure requirements of the EPA-MR are met.
- (3) Ensure units using ranges provide Range Control with quantity and type of munitions expended on the range at the end of each day's firing.

c. Public Safety Business Center (PSBC) Safety Division:

- (1) Provide a permanent member to the MRIC, with authority to report directly to the Director of Readiness, RBC, as may be necessary concerning any safety violations involving receipt, storage, handling and transportation of hazardous materials UP the EPA-MR.
- (2) Ensure that hazardous WMM storage sites at the ASP receive, as a minimum, an annual safety inspection to help preclude, insofar as possible, loss of CE status for those sites and to further safety practices of all personnel involved in operation of the sites. Whenever possible, PSBC Safety Division representative should be accompanied by a representative from the PWBC Environmental Division.

d. Public Works Business Center, Environmental Division:

- (1) Provide a permanent member to the MRIC to advise on impact of accumulation of hazardous WMM and provide guidance

requirements.

(2) Act as the prime POC for Ft Bragg with the State of North Carolina Environmental Protection authorities.

(3) Be responsible for monitoring soil and ambient water adjacent to WMM and HWMM OD and OP sites and temporary storage sites (see Para H-6d) areas adjacent to the approved HWMM storage sites within the ASP (see Para H-6a). Maintain ongoing review of results obtained to ensure requirements of the EPA-MR are met.

(4) Maintain permanent records (either computerized or other) using the "cradle-to-the-grave" concept on all HWMM generated at Ft Bragg (see Flow Process Chart, Figure 1) and disposal of same from time of generation of the HWMM until disposal locally by EOD or until the HWMM are shipped off Ft Bragg to an authorized disposal site.

e. RBC Logistics Division (Log Div) Transportation Branch:

(1) Provide permanent member (on call) to the MRIC to provide, as requested, guidance on Department of Transportation (DOT) requirements for shipment of HWMM.

(2) Maintain permanent records (computer or other) on all shipments of HWMM from Fort Bragg and ensure PWBC Environmental Division receives copies of the records.

f. Staff Judge Advocate, Environmental Law Branch:

(1) Provide permanent representative (on call) to the MRIC to advise on legal sufficiency of any decisions on matters pending before the MRIC.

(2) Act as the primary POC for Ft Bragg for any legal matters concerning the EPA-MR that may arise affecting Fort Bragg and other Government agencies.

g. 18<sup>th</sup> Explosive Ordnance Disposal (EOD) Company:

(1) Provide permanent representative to the MRIC to advise on all matters concerning the local disposal of HWMM and/or recommendation for referral to the Industrial Operations Command (IOC) for disposal instructions.

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(2) Act as primary POC for the installation, in

coordination with Ammunition Surveillance Office, Log Div, RBC, for making initial decision on handling and disposal of any hazardous WMM disposal.

(3) Develop and publish Standing Operating Procedures (SOP) for the guidance of EOD personnel and customers with primary objective of providing guidance that will promote safety for all personnel and ensure, insofar as possible, compliance with the EPA MR for handling of hazardous HWMM. Provide a copy of the SOP to Chief, ASP, Chief, QASAS, Chief, Log Div, RBC, and to 1st COSCOM Ammo Section.

h. Installation Major Support Commands (MSC):

(1) Provide representative (on call) to discuss problems directly affecting the MSC concerning EPA-MR compliance.

(2) Ensure all troops receive orientation and training in compliance with the EPA-MR, to include remedial training as may be required.

H-8. Training:

a. Goal. Ensure all personnel responsible for the management, receipt, storage, handling and transportation of munitions on and off ranges at Fort Bragg are sufficiently trained in their duties and responsibilities as pertains to the MR.

b. Establish who receives MR training, level of training required and how training will be implemented and documented.  
**Note:** Documentation of training must remain on file for 12 months from date of completion of training.

c. Unit Level Training Standards: All battalions are required to have, appointed on orders, a Military Munitions Rule Officer or NCO. This individual must have completed Army Phase I and/or II Computer Based MR training. Computer generated certificates will suffice to validate training. All units will include the MR as part of their Range Officer Certification Course, which will include the following.

(1) Definition of MR.

(2) Handling of Unexploded Ordnance (UXO). What constitutes improper disposal of munitions and penalties for same.



(3) How the MR affects units/operations.

d. Post-Wide Training:

(1) General: All soldiers conducting training on Fort Bragg ranges, in on-post training areas and at off-post sites must be aware of the MR. Leaders should use safety briefings and train-the-trainer programs to ensure compliance. Leaders are encouraged to contact RBC Training Div, Integrated Training Branch at 396-8004/3806 and refer to RBC External SOP - Customer Handbook, 1 November 1999, Chapter 3, Paragraph 3-3, for additional guidance.

(2) Standards:

(a) Range Branch/Range Control will include the MR as a part of their brief to in-processing Officers and NCOs. Range Control will provide a copy of this Appendix to all OICs and/or NCOICs signing for

(b) Operation Clean Sweep: Range Branch/Range Control will coordinate MR training to be conducted in conjunction with other training in handling UXO and safety classes for Operation Clean Sweep. Commanders of units participating in Operation Clean Sweep will conduct training for all personnel involved to ensure compliance with AR 385-63, Fort Bragg Regulation 350-6 and this SOP.

e. Training of civilian employees and military personnel assigned to the ASP. The following personnel must successively complete Army Phase I and II Computer Based MR Training.

(1) All members appointed to the MRIC.

(2) Ammunition Supply Point (ASP) and Ammunition Surveillance personnel assigned to duties involving management, receipt, storage, handling and transportation of munitions.

(3) All PWBC Environmental Division personnel taking the Environmental Quality Control Officer Training Course (40 hours).

(4) All PSBC Safety Division Personnel.

H-9 Procedures. The following procedures apply for installation management of hazardous waste military munitions (HWMM). Primary objective is to ensure "cradle-to-the-grave" monitoring of HWMM generated at, or coming under the control and responsibility of Fort Bragg.

a. A record will be kept of all munitions received at the Fort Bragg ASP from the time of receipt of the munitions until their use, destruction or shipment off Fort Bragg. See Figure 1, Flow Process Chart. Records of munitions that do not become HWMM will be retained for at least three (3) years after the munitions are expended or destroyed. Records of munitions that become suspect HWMM are permanent records, whether computer generated or other.

b. Copies of all records created on HWMM will be furnished PWBC Environmental Division who will, in coordination with EOD, ASP and Ammunition Surveillance, make the final decision as to whether HWMM are to be stored pending disposal/shipment instructions from the IOC, destroyed in place, or transported to an OB or OD site for disposal by EOD. (See Flow Process Chart, Figure 1.)

Flow Process Chart: Hazardous Waste Military Munitions Management

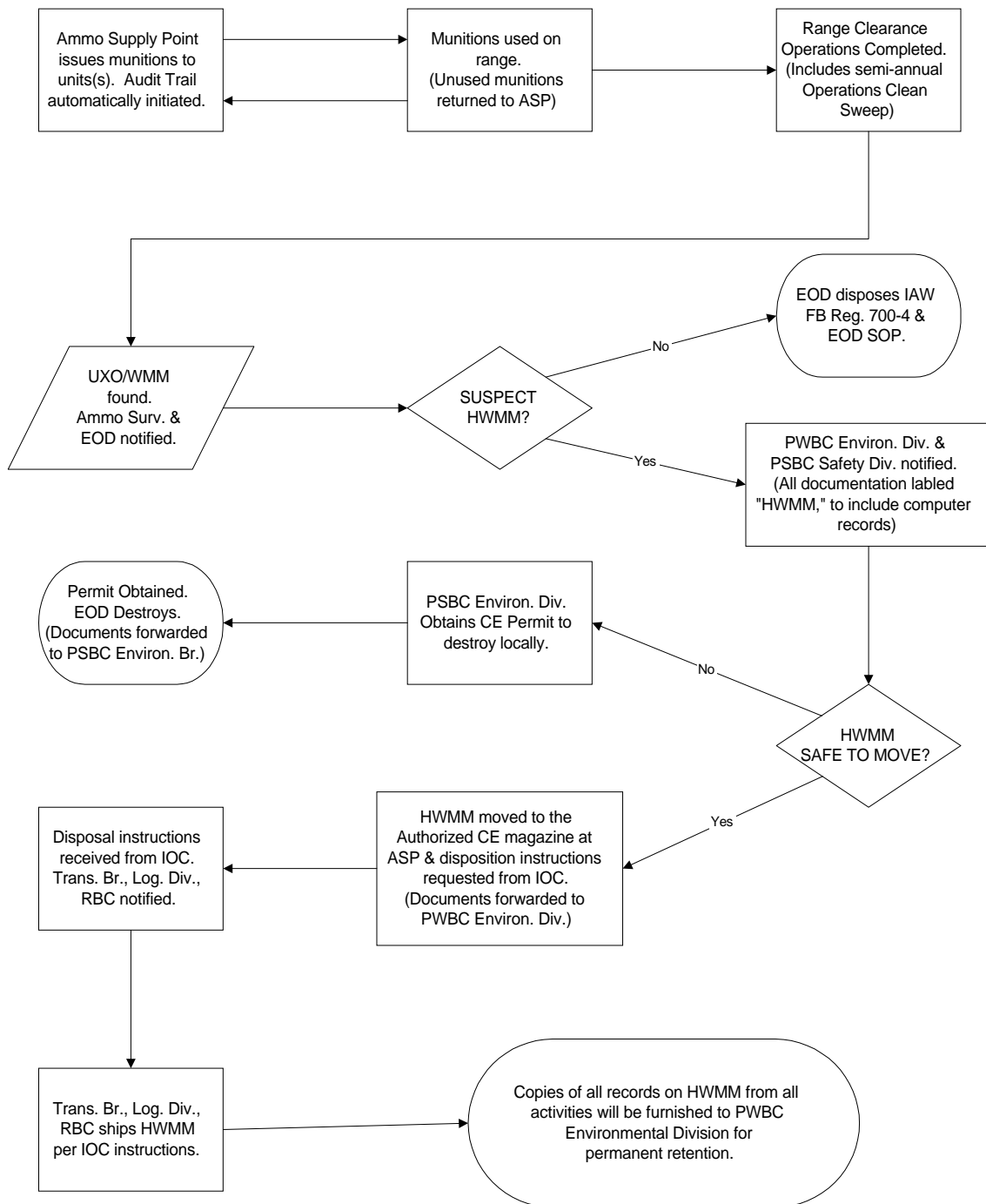


Figure 1.